

STATE OF MAINE  
PUBLIC UTILITIES COMMISSION

March 19, 2002

RAYMOND AND ELAINE JORDAN  
Petition for Finding of Public Convenience  
& Necessity for Kennebunk Light and Power  
District to Provide Service to a Customer  
In Central Maine Power Company's Territory

ORDER DISMISSING  
PETITION AS MOOT

Docket No. 2001-840

CENTRAL MAINE POWER COMPANY  
Request for Approval of Special Rate  
Contract for a Customer Service Agreement  
With Raymond and Elaine Jordan

ORDER APPROVING  
SPECIAL CONTRACT

Docket No. 2002-133

WELCH, Chairman; NUGENT and DIAMOND, Commissioners

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**I. SUMMARY**

In this Order, we approve a special services contract between Central Maine Power Company (CMP) and Raymond and Elaine Jordan. We also dismiss a petition filed by the Jordans under 35-A M.R.S.A. § 2102 that requested the Commission to grant authority to Kennebunk Light & Power District to provide electric service to the Jordans' property. Under the special contract, the Jordans have agreed that they will be served by CMP. The petition under section 2102 is therefore moot.

**II. DISCUSSION**

On December 5, 2001, Raymond and Elaine Jordan filed a petition pursuant to 35-A M.R.S.A. § 2102 requesting the Commission to find that the public convenience and necessity require the Commission to grant authority to Kennebunk Light & Power District (KL&PD) to provide electric service to property owned by the Jordons in the Town of Lyman. Lyman is not presently within the service area of KL&PD.<sup>1</sup> CMP answered the Jordans' petition, claiming that persons other than utilities cannot bring a

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<sup>1</sup> Under 35-A M.R.S.A. §§ 2102 and 2105, as interpreted by prior Commission decisions, a utility must obtain Commission approval to serve any area in which it was not serving in 1967. KL&PD's charter also states that the District must obtain Commission approval to provide service in the Town of Lyman.

petition under 35-A M.R.S.A. § 2102<sup>2</sup> and claiming in any event that the Commission should not grant overlapping authority to KL&PD.

The parties have reached an agreement under which CMP will construct a line extension that will serve the Jordans but charge them substantially less than they would pay under CMP's line extension Terms and Conditions. This agreement is embodied in a "special contract."<sup>3</sup> In the contract language, CMP justifies providing a lower price "in order to keep the Customer from seeking an alternative to the Company's electric delivery service while providing the Company an opportunity to serve additional new customers for the benefit of the Customer, the Company and its other customers." According to information provided by CMP to the Staff, CMP does expect a substantial number of new customers in the area of the line extension. We find that the justification provided by CMP is reasonable.<sup>4</sup>

Accordingly, we

1. DISMISS the Petition filed in Docket No. 2001-840 by Raymond and Elaine Jordan requesting the Commission to grant, pursuant to 35-A M.R.S.A. § 2102, authority to Kennebunk Light & Power District to provide electric service to the Jordans' property because that petition is MOOT.

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<sup>2</sup> KL&PD never filed a petition to intervene and, in correspondence to the Commission, stated that it would not itself request the Commission to grant authority under 35-A M.R.S.A. § 2102.

<sup>3</sup> 35-A M.R.S.A. § 703(3-A) requires Commission approval of all special contracts. CMP stated that it was filing the contract pursuant to the "Pricing Flexibility Criteria approved by the Commission by Order dated November 16, 2000 in Docket No. 99-666." We believe that this special contract is better viewed a settlement of the issues raised in the Jordans' petition case in Docket No. 2001-840.

<sup>4</sup> 35-A M.R.S.A. § 309(1) states:

1. **Adherence to schedules.** Except as otherwise provided in section 703, it is unlawful for any public utility to charge, demand, collect or receive, for any service performed by it within the State or for any service in connection with that performance, a greater or lesser compensation than is specified in such printed schedules as may at the time be in force, or to demand, collect or receive any rate, toll or charge not specified in the schedules.

In addition, 35-A M.R.S.A. § 702(1) states that it is "unlawful for a public utility to give any *undue or unreasonable* preference, advantage, prejudice or disadvantage to a particular person." (emphasis added).

2. APPROVE the special services contract entered into by Central Maine Power Company and Raymond and Elaine Jordan and filed in Docket No. 2002-133 as a reasonable resolution of the issues raised in Docket No. 2001-840.

Dated at Augusta, Maine, this 19<sup>th</sup> day of March, 2002.

BY ORDER OF THE COMMISSION

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Dennis L. Keschl  
Administrative Director

COMMISSIONERS VOTING FOR:      Welch  
   Nugent  
   Diamond

**NOTICE OF RIGHTS TO REVIEW OR APPEAL**

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within **21 days** of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320(1)-(4) and the Maine Rules of Appellate Procedure.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320(5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.